

Docket No. 0217.97R
Serial No. 09/828,634

PATENT

#15
03/11/03
AS

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re application of)
FRANCIS S. NAKAYAMA ET AL.)
Composites Comprising Plant Material) Group Art Unit: 1711
From *Parthenium* spp. and Plastic) Examiner: U. K. Rajguru
Serial No. 09/828,634)
Filed April 5, 2001)

COMMUNICATION

The Honorable

The Commissioner for Patents

Sir:

This is responsive to the phone communication of March 11, 2003 of Examiner J. Seidleck in response to applicants' attorney's phone call of March 10, 2003 regarding applicants' Amendment Under 37 C.F.R. 1.116 transmitted January 23, 2003. Applicants wish to thank Examiner Seidleck for the courteous and helpful telephone communication of March 11, 2003.

Background information: Applicants' attorney, the undersigned, and Examiner Rajguru had a telephone interview on January 22, 2003 wherein the rejection of the claimed invention was discussed. In particular, applicants' attorney discussed that applicants' claimed composites comprise lignocellulosic (woody, fibrous) plant material and plastic, whereas the prior art reference, Kay et al., teaches use of extracted guayule resin, a material which is totally different from lignocellulosic plant material. During extraction, the resin is separated from the lignocellulosic plant material, and extracted guayule is a liquid material. This is discussed in detail in applicants' Amendment filed January 23, 2003. The unexpected results of applicants' invention (as set forth in

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applicants' examples in the specification) were also discussed. Additionally, applicants agreed to amend the claims to replace the abbreviation "spp." with the term "species." The Examiner gave a strong indication that the claims would be allowable upon applicants filing an Amendment responding and highlighting these points. It was requested that applicants' attorney fax this Amendment to (703) 872-9311. Applicants transmitted an Amendment complying with the Examiner's request on January 23, 2003 (copy enclosed).

Additional information: During the phone interview of January 22, 2003, Examiner Rajguru also noted that there was a typo in the Final Rejection; the word "not" in the last line of paragraph 3 of the Final Rejection should have been "now" and the sentence should actually read "Rejection of claim 16, however, is now withdrawn."

The undersigned attorney earnestly requests a telephone conference.

Respectfully submitted,

Margaret Connor

Margaret A. Connor
Attorney of Record
Registration No. 30,043

Telephone: (510) 527-1418 or
(510) 559-6067

03/11/2003 08:15 510-5271436

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PAGE 04

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Page 001

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| Date: January 23, 2003 | | |
| NAME/ADDRESS: | Assistant Commissioner for Patents U.S. PATENT & TRADEMARK OFFICE ATTN: Examiner U. K. Rajguru Art Unit 1719 Washington, D.C. 20231 | |
| FROM: | Margaret A. Connor Patent Advisor | |
| SUBJECT: | Nakayama et al. U.S. PATENT APPLICATION SERIAL NO. 09/628,634 FILED: 04/03/2001 ENTITLED: "Composite Coating/Plant Material from Panthenium spp. and Plastic" | |
| TOTAL # OF PAGES INCLUDING THIS SHEET: 13 | | |
| Correspondence Received: Facsimile Cover Sheet; Amendment Under 37 C.F.R. 1.116 wtr; Appendix I (Marked-up Version Showing the Changes Made) and Appendix II (Clean Version of the Entire Set of Pending Claims Following Entry of the Enclosed Amendment) | | |
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Date: January 23, 2003

NAME/ADDRESS: Assistant Commissioner for Patents
U.S. PATENT & TRADEMARK OFFICE
ATTN: Examiner U. K. Rajguru
Art Unit 1711
Washington, D.C. 20231

FROM: Margaret A. Connor
Patent Advisor

SUBJECT: Nakayama et al.
U.S. PATENT APPLICATION SERIAL NO. 09/828,634
FILED: 04/05/2001
**ENTITLED: "Composites Comprising Plant Material from
Parthenium spp. and Plastic"**

TOTAL # OF PAGES INCLUDING THIS SHEET: 13

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Facsimile Cover Sheet; Amendment Under 37 C.F.R. 1.116 with Appendix I
(Marked-up Version Showing the Changes Made) and Appendix II (Clean
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Amendment)

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Margaret A. Connor
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Date: March 11, 2003

NAME/ADDRESS: Assistant Commissioner for Patents
U.S. PATENT & TRADEMARK OFFICE
ATTN: Examiner J. Seidleck
Art Unit 1711
Washington, D.C. 20231

FROM: Margaret A. Connor
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TOTAL # OF PAGES INCLUDING THIS SHEET: 18

CORRESPONDENCE:

Enclosed please find:

1. Facsimile Cover Sheet to Examiner J. Seidleck (1 page);
2. Communication to Examiner J. Seidleck (2 pages);
3. USPTO Receipt Confirmation of Facsimile Transmission of Jan. 23, 2003 (1page);
4. Facsimile Cover Sheet to Examiner Rajguru of Jan. 23, 2003 and attached
Amendment Under 37 C.F.R. 1.116 with Appendix I (Marked-up Version Showing the Changes
Made) and Appendix II (Clean Version of the Entire Set of Pending Claims Following Entry of
the Enclosed Amendment) (13 pages);
5. Transmission Verification Report of Facsimile sent to 1-703-872-9311 on Jan. 23,
2002 (1 page)

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